

Order

Michigan Supreme Court
Lansing, Michigan

May 5, 2006

Clifford W. Taylor,
Chief Justice

129823

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

REMI COOLSAET, JR., and PATRICIA A.
COOLSAET,
Plaintiffs-Appellants,

v

SC: 129823
COA: 260210
Wayne CC: 03-317423-CH

JAN MANS,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the September 22, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

WEAVER, J., would deny leave to appeal without prejudice to plaintiffs' right to assert that they have suffered the special damages required to confer standing on them to abate a nuisance per se pursuant to MCL 125.587 if they succeed in establishing on remand that defendant reconstructed a nonconforming use in violation of the zoning ordinance and if the city refuses to enforce its zoning nonconforming use ordinance.

KELLY, J., joins the statement of WEAVER, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 5, 2006

Corbin R. Davis

Clerk